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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF DENTISTRY

IN THE MATTER OF	:	Administrative Action
	:	
Usha V. DeSai, D.D.S.	:	CONSENT ORDER
License No. 22 DI02146800	:	
	:	
LICENSED TO PRACTICE DENTISTRY	:	
IN THE STATE OF NEW JERSEY	:	

This matter was originally opened to the New Jersey State Board of Dentistry ("Board") upon receipt of information that the office of Usha DeSai, D.D.S. ("Respondent"), located at 23 Reynolds Avenue, Parsippany, New Jersey, was observed to be operating in an unsanitary and unsafe manner.

On July 24, 2012, two investigators from the Enforcement Bureau, Division of Consumer Affairs, conducted an inspection of the premises which revealed that the office was being maintained in an unsanitary manner with stained and dirty operatory floors, a stained sink filled with dirty instruments, dirty and cluttered cabinets, and no documentation of the x-ray units having been inspected, the existence of a medical waste contract, or of

performance of tests of the autoclave.

A follow-up inspection was conducted of the premises on December 13, 2012. Respondent was not present in the office. Nevertheless, a brief inspection was conducted. The inspection revealed that the office was still being maintained in an unsanitary manner. Specifically, the floor in the reception area was dirty. There were two operatories in the office. In both operatories, the floor was stained and dirty, and the exterior of the cabinets were stained and extremely cluttered with supplies. In operatory #1, the sink was stained. In operatory #2, there were buckling ceiling tiles, the interior of the cabinets were dusty, instruments were arranged haphazardly in the drawers, a used saliva ejector and high speed suction tip were present in the unit, a burr was present in the high-speed hand piece and a used prophylaxis angle was present in the slow-speed hand piece.

Following a request by the Board for immediate cessation of practice based on the conditions found at the July 24, 2012 and December 13, 2012 inspections, Respondent informed the Board that she had closed her office in or around Spring 2013 and taken immediate and remedial actions. Respondent agreed to remain closed until her office was deemed to be sanitary and safe for operation. Respondent, in an effort to reopen her office, requested the Board to conduct another inspection. On May 7, 2013, Respondent's office was reinspected and observed to be operating in a sanitary and safe manner. Respondent provided the following at the inspection: a

Seida office cleaning invoice dated April 29, 2013; a Henry Schein infection and sterilization supply invoice dated March 25, 2013; an AmeriWaste Medical Waste Service contract dated March 26, 2012; a satisfactory sanitary autoclave test result from North Bay Bioscience dated April 25, 2013, and Certification of Participation with North Bay Bioscience(a sterilizer monitoring program) that is valid through June 30, 2014. With the permission of the Board, Respondent reopened her office in or around May 2013.

These facts establish a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(e) in that respondent has engaged in professional misconduct by failing to maintain her office in a safe and sanitary condition. Having reviewed the entire record, it appears to the Board that Respondent has remediated the prior problems and the recent inspection confirms that the office can now be operated in a sanitary and safe manner. Respondent, waiving any right to a hearing, and it appearing that the parties desire to resolve this matter, without further proceedings, and the Board believing that the within resolution is sufficiently protective of the public health, safety and welfare, and for other good cause shown;

IT IS ON THIS 19th DAY OF February, 2014

HEREBY ORDERED AND AGREED THAT:

1. Respondent is hereby assessed civil penalties, pursuant to N.J.S.A. 45:1-22 in the amount of \$5,000.00. The Board will stay \$2,500 of the penalty shall be stayed provided that respondent

has no further instances of operating in an unsanitary manner for a period of five (5) years. If during that five year period, Respondent is found to be operating in an unsanitary manner, the entire stayed amount (\$2,500.00) will be due immediately.

2. Respondent is assessed the costs of the investigation to the State in this matter in the sum amount of \$5,890.97 for the two (2) inspections.

3. Payment of the civil penalties and costs in the total amount of \$8,390.97 shall be submitted by certified check or money order made payable to the State of New Jersey and shall be sent to Mr. Jonathan Eisenmenger, Executive Director, P.O. Box 45005, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101 contemporaneously with this Consent Order. In the alternative, respondent shall make ten (10) monthly payments with the first payment of \$840.00 due upon the entry of this Consent order and respondent shall make ten (9) monthly payments of \$840.00 due by the first of each month and subsequent payments to continue to be made by the first of each month thereafter until all nine (9) payments are completed with the final payment of \$830.97. In the event that respondent does not make a timely payment, the full balance will immediately become due.

4. Failure to timely remit any payment as required by this order will result in the filing of a certificate of debt and shall constitute a violation of this Consent Order.

5. Failure to comply with any of the terms of this Consent Order may result in further disciplinary action and any additional relief determined by the Board to be appropriate based on the conduct found.

NEW JERSEY STATE BOARD OF DENTISTRY

By: Shirley Buring, RDN
~~Sheila Dashkow, D.D.S.~~
ACTING Board President

I have read and understand this
Consent Order and agree
to be bound by its terms. I consent
to the entry of this Order.

Usha V. DeSai
Usha V. DeSai, D.D.S.

12/14/13
Date

I consent to the form and entry of this
order.

Michael Pocchio, Jr., Esq.
Michael Pocchio, Jr., Esq.

Date: 12-14-13